



Roll Call Number

Agenda Item Number

53C

Date March 7, 2022

ABATEMENT OF PUBLIC NUISANCE AT 2951 E WALNUT STREET

WHEREAS, the property located at 2951 E Walnut Street, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the structure (commercial building) in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholders, Rueter Farms Inc and C&D's Holdings LLC, were notified more than thirty days ago to repair or demolish the structure (commercial building) and as of this date have failed to abate the nuisance.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

The structure (commercial building) on the real estate legally described as Lots 1, 2 and 3 in Block 5 in ELBERT AND YORK'S ADDITION TO GRANT PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 2951 E Walnut Street, has previously been declared a public nuisance;

The City Legal Department is hereby authorized to file an action in district court to obtain a decree ordering the abatement of the public nuisance, and should the owner(s) fail to abate the nuisance, as ordered, that the matter may be referred to the Department of Engineering which will take all necessary action to demolish and remove said structure.

Moved by _____ to adopt.
Second by _____

FORM APPROVED:

Judy K. Parks-Kruse
Judy K. Parks-Kruse, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			
_____ Mayor				

CERTIFICATE

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

53C



City of Des Moines
400 Robert D. Ray Drive
Des Moines, IA 50309

Case Number: NUIS-2021-000011	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 08/04/2021
	Date of Notice: 01/11/2022
Date of Inspection: 07/21/2021	

C&D'S HOLDINGS LLC
JOHN D TWILLMANN
2425 NE 126TH AVE
ELKHART IA 50073

Address of Property: 2951 E WALNUT ST, DES MOINES IA 50317
Parcel Number: 782401282012
Legal Description: LOTS 1, 2 & 3 BLK 5 ELBERT & YORKS ADDITION

Upon inspection of the property located at and locally known as the Address of Property shown above, located in Des Moines, Iowa, ("Property"), there was/were found to be violation(s) of the Municipal Code of the City of Des Moines, Iowa. It has been determined from that inspection that the dwelling currently constitutes a danger to health and safety to the public and is a public nuisance.

We are notifying you that you have the time set out in this notice (below under "Compliance Due Date") to abate the following violation(s) and complete the required remedial action.

VIOLATION(S)

Violation	Corrective Action	Compliance Due Date
60-191 - Vacation and Abatement	COMMERCIAL STRUCTURE THROUGHOUT Vacate the structure until nuisance has been abated and is no longer declared a public nuisance.	02/18/2022
60-192(13) - Unsafe or dangerous structure	COMMERCIAL STRUCTURE THROUGHOUT Repair or replace the building or structure that is in a condition that it presents either a substantial risk of fire, building collapse, or any other threat to life and safety, OR, demolish the structure.	02/18/2022
60-192(15) - Unsafe or dangerous structure	COMMERCIAL STRUCTURE THROUGHOUT Repair or replace the unsafe or unlawful structure OR demolish the structure.	02/18/2022

60-192(3) - Dangerous Structure or Premise
- Damaged

02/18/2022

COMMERCIAL STRUCTURE THROUGHOUT
Repair or replace any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

BUILDING NEEDS ENGINEERS REPORT.
REPAIR PER ENGINEER'S REPORT. BUILDING PERMIT REQUIRED.

EXTERIOR WALLS BEGINING TO FAIL NEED REPAIRED/REPLACED PERMIT REQUIRED.

HAVE A LICENSED MECHANICAL CONTRACTOR INSPECT THE ENTIRE MECHANICAL SYSTEM AND PROVIDE A COPY OF THE FINDING. REPAIR AND/OR REPLACE ALL DEFICIENT ELEMENTS OF THE MECHANICAL SYSTEM THROUGHOUT THE ENTIRE STRUCTURE. WORK MUST BE DONE BY A LICENSED MECHANICAL CONTRACTOR.

HAVE A LICENSED PLUMBING CONTRACTOR INSPECT THE ENTIRE PLUMBING SYSTEM AND PROVIDE A COPY OF THE FINDINGS. REPAIR AND/OR REPLACE ALL DEFICIENT ELEMENTS OF THE PLUMBING SYSTEM THROUGHOUT THE ENTIRE STRUCTURE. WORK MUST BE DONE BY A LICENSED PLUMBING CONTRACTOR.

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REPAIR AND REPLACE ANY AND ALL DAMAGED FLOORING THROUGHOUT THE STRUCTURE.

OBTAIN FINAL ON PERMIT AND HAVE LICENSED CONTRACTOR REPAIR OR REPLACE ALL DAMAGED WALL COMPONENTS, INCLUDING: FRAMING,

SHEETING, AND COVERINGS. PERMIT REQUIRED FOR REPLACEMENT OF ALL STRUCTURAL COMPONENTS.

SCRAPE LOOSE PAINT, REPAIR WHERE NEEDED AND PAINT TO MATCH.

REPAIR OR REPLACE ALL DAMAGED OR MISSING DOORS AND OR JAMS AS NEEDED. OBTAIN FINAL ON PERMIT REQUIRED IF CHANGING OPENING SIZE

60-192(4) - Dangerous Structure or Premise
- Insufficient Strength or Stability

COMMERCIAL STRUCTURE THROUGHOUT
Repair or replace any portion of a building, or any member, appurtenance, or ornamentation on the exterior of the structure that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

02/18/2022

60-192(5) - Dangerous Structure or Premise
- Dilapidated or Deteriorated

COMMERCIAL STRUCTURE THROUGHOUT
Repair or replace the building or structure, or part of a structure which is likely to partially or completely collapse because of dilapidation, deterioration, decay, faulty construction, the removal of movement of some portion of the ground necessary for the support, or for any other reason, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

02/18/2022

60-192(6) - Dangerous Structure or Premise
- Unsafe

COMMERCIAL STRUCTURE THROUGHOUT
Vacate and secure any structure that is clearly unsafe for its use and occupancy, OR,
demolish the structure after obtaining required permit, OR
repair or replace the building or structure, or any portion thereof, that is clearly unsafe for its use and occupancy.

02/18/2022

60-192(7) - Dangerous Structure or Premise - Attractive Nuisance, Harbor for Vagrants	COMMERCIAL STRUCTURE THROUGHOUT Vacate and secure the structure, OR, repair or replace the building or structure that is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.	02/18/2022
60-194 - Defacing and Removing Placard	Replace or restore defaced or removed placard.	02/18/2022

If not occupied, the structure is to remain vacant and unoccupied until occupancy is authorized by this office.

If the structure is occupied, it must be **vacated immediately**. If procedures to vacate the premises are not undertaken immediately upon receipt of this notice, and in no case later than seven (7) days, the City may seek a court order directing you to vacate the structure, pursuant to Section 60-191 and 60-192 of the Municipal Code of the City of Des Moines, Iowa.

ALL ELECTRICAL, MECHANICAL, PLUMBING, AND STRUCTURAL COMPONENTS IN NEED OF REPLACEMENT OR REPAIR, ARE TO BE BROUGHT TO MINIMUM CODE REQUIREMENTS WITH NECESSARY PERMITS AS REQUIRED TO MEET CITY CODES. Should you have any questions regarding permits, contact the Permit and Development Center at (515) 283-4200. All work performed by a contractor or you must be completed in a workmanlike manner.

If you plan to renovate the structure and it has been vacant for over a year, there may be zoning issues, which may affect the renovation plans. Please contact the Development Zoning Division at (515) 283-4207 to determine if there is anything you should be aware of.

If you decide to demolish the building or take the structure down, you will need a demolition permit.

If you cannot renovate or demolish the structure, contact me to discuss allowing the City to remove the structure. There will be costs billed out to you and possibly a judgment. It may be cheaper for you to remove the structure yourself.

If you no longer own this property, please let us know.

Unpaid costs may be collected by personal judgment, collection, or assessment to be collected as a property tax.

Should you have any questions, feel free to call. I can usually be reached between 8:00 a.m. and 9:00 a.m., Monday through Friday.

Thank you for your help,

Respectfully,



Kevin Pyles
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
(515) 283-4122
KEPyles@dmgov.org

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RUETER FARMS INC
THOMAS HEUN
PO BOX 227 HWY 30 WEST
GRAND JUNCTION IA 50107

Address of Property: 2951 E WALNUT ST, DES MOINES IA 50317
Parcel Number: 782401282012
Legal Description: LOTS 1, 2 & 3 BLK 5 ELBERT & YORKS ADDITION

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Respectfully,



Kevin Pyles
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
(515) 283-4122
KEPyles@dmgov.org

53C



2022/02/14
15:42:29

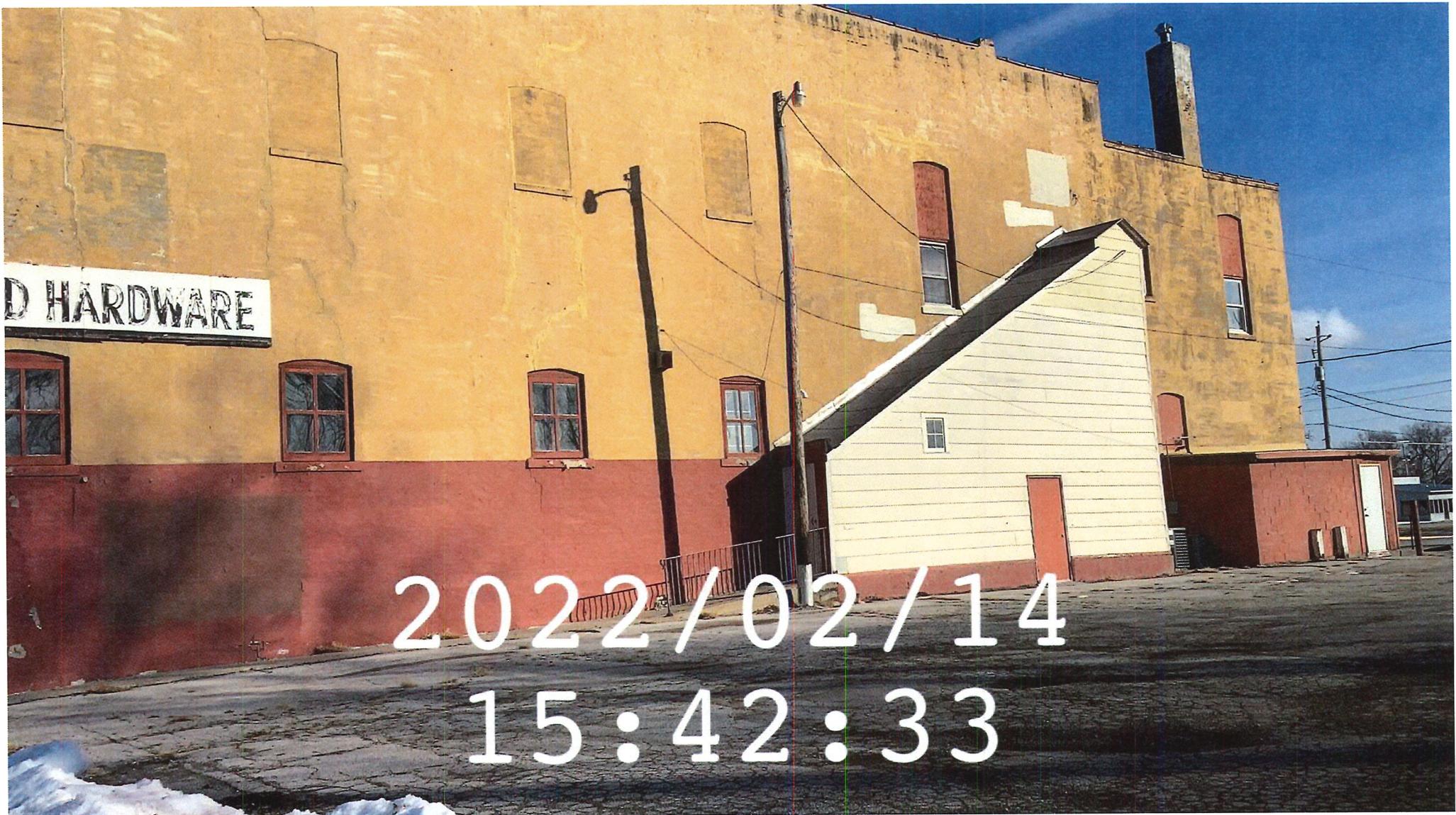


FAIRGROUND HARDWARE



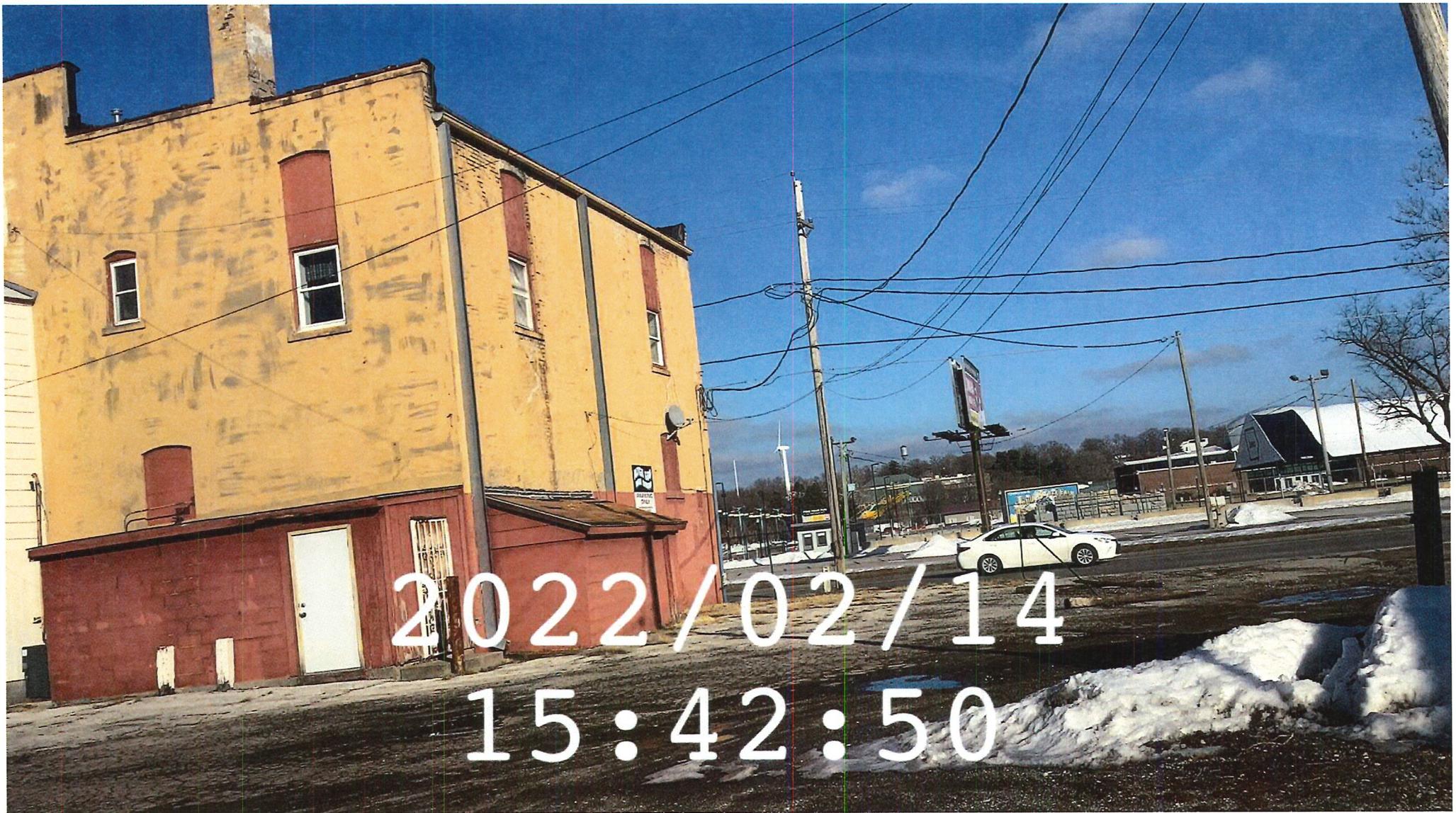
2022/02/14
15:42:31

NO PARKING
HERE TO CURB



2022/02/14
15:42:33

53C

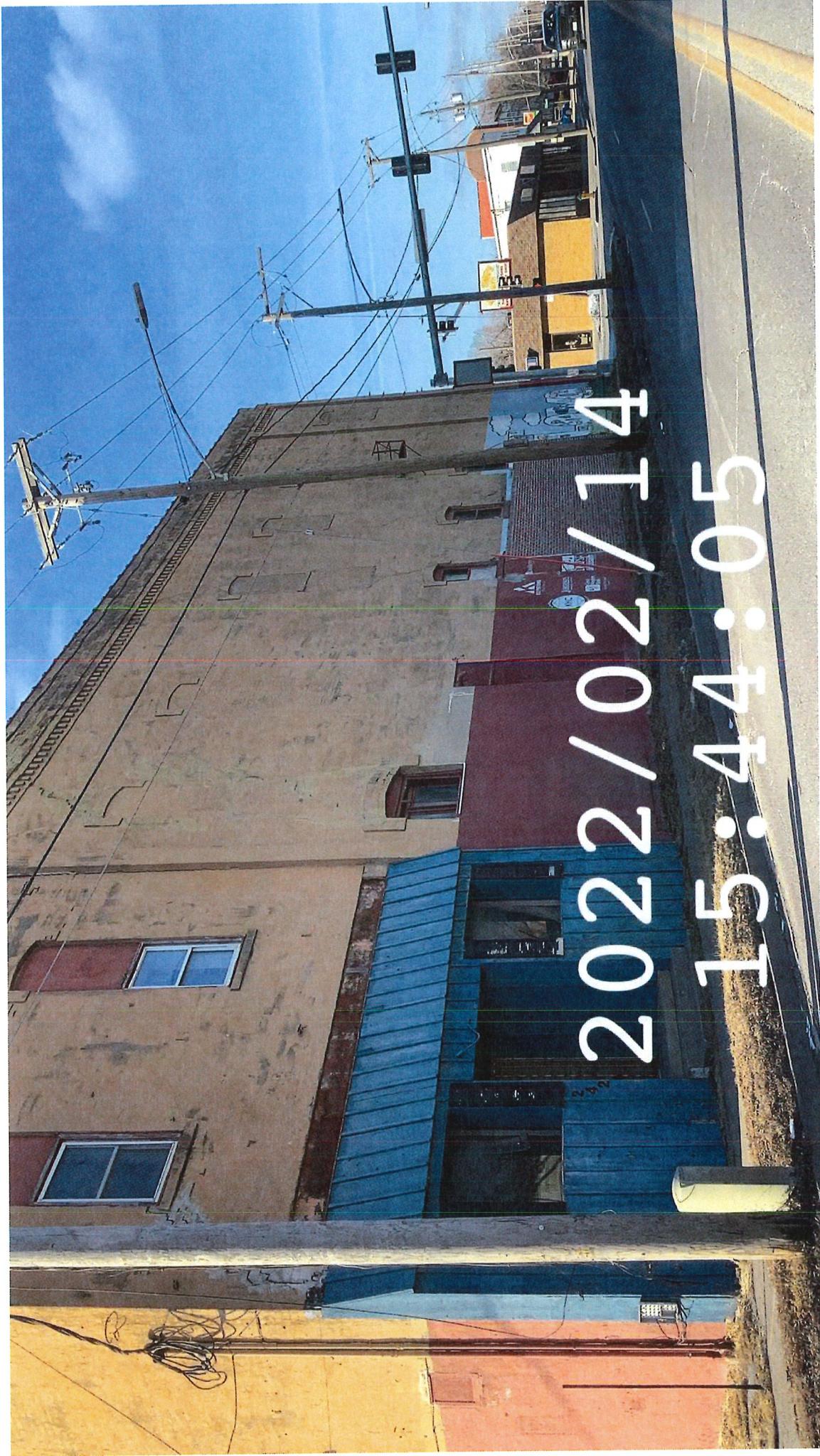


2022/02/14
15:42:50



2022/02/14

15:43:58



2022/02/14
15:44:05



2022/02/14
15:44:17

FAIRGROUND HARDWARE

FOR SALE
650.888.5707

RUETER'S
PARKING
→

2022/02/14

15:44:35

SHERMAN
100 F.
570

FAIRGROUND HARDWARE

2022/02/14

15:44:39

Polk County Assessor

111 Court Avenue #195
Des Moines, IA 50309-0904

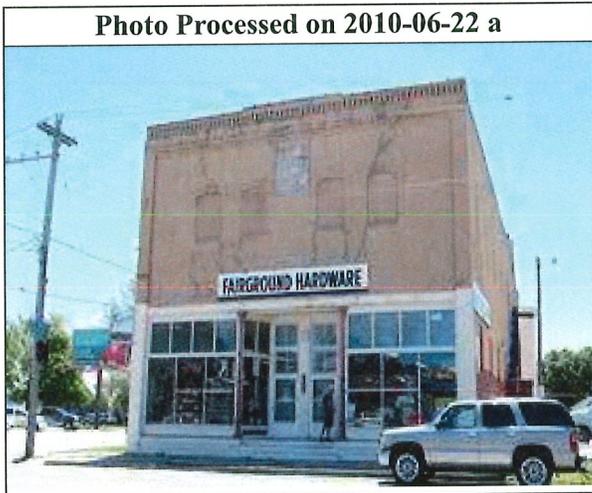
(515) 286-3014 Fax (515) 286-3386
polkweb@assess.co.polk.ia.us

Location					
Address	2951 E WALNUT ST				
City	DES MOINES	Zip	50317	Jurisdiction	Des Moines
District/Parcel	050/00804-001-000	Geoparcel	7824-01-282-012	Status	Active
School	Des Moines	Nbhd/Pocket	DM16/Z	Tax Authority Group	DEM-C-DEM-77131
TIF	3/Des Moines Accent UR	Submarket	Northeast Des Moines	Appraiser	Bob Powers, ICA 515-286-3828

Map and Current Photos - 1 Record

Click on parcel to get a new listing

[Bigger Map](#) [Polk County GIS](#)
[Google Map](#) [Pictometry](#)



[Historical Photos](#)

Ownership - 2 Records

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	RUETER FARMS INC	2020-04-27	17798/422
Title Holder	2	C&D'S HOLDINGS LLC	2020-04-27	17798/422

Legal Description and Mailing Address

LOTS 1, 2 & 3 BLK 5 ELBERT & YORKS ADDITION	RUETER FARMS INC 2425 NE 126TH AVE ELKHART, IA 50073-9101
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Current Values

Type	Class	Kind	Land	Bldg	Total
2021 Value	Commercial	Full	\$74,500	\$33,500	\$108,000

[Assessment Roll Notice](#) [Unadjusted Cost Report](#)

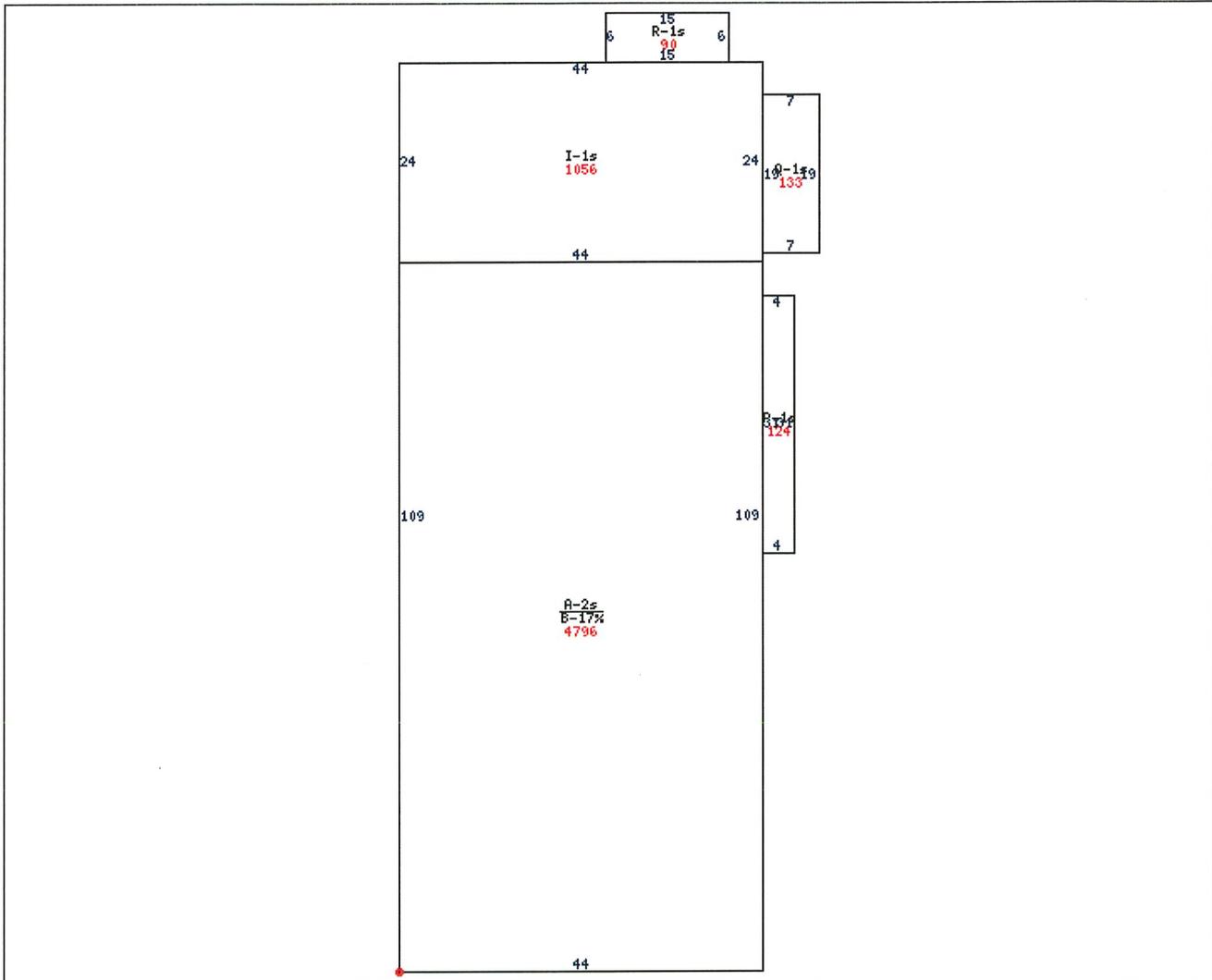
Auditor Adjustments to Value

Category	Name	Information
2021 Business Property Tax Credit	RUETER, TODD	Application 12993

Zoning - 1 Record

Zoning	Description		SF	Assessor Zoning	
MX1	MX1 Mixed Use District				
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>					
Land					
Square Feet	22,050	Acres	0.506	Frontage	150.0
Depth	147.0	Topography	Blank	Shape	Rectangle
Vacancy	Blank	Unbuildable	Blank		
Commercial Summary					
Occupancy	Retail	Age, Weighted	1910	Total Story Height	2
Land Area	22,050	Gross Area	9,592	Finished Area	0
Unfinished Bsmt Area	800	Finished Bsmt Area	0	Number of Units	0
Primary Group	Unfinished Unused	Percent Primary Group	92.30	Percent Secondary Group	0.00
Grade, Weighted	5/Grade 5	Bldg Class, Weighted	2/Brick or Masonry	Condition, Weighted	BN/Below Normal
Ground Floor Area	4,796	Perimeter	306	Unfinished Area	9,592
Commercial Sections - 1 Record					
Commercial Section #101					
Section Multiplier	1	Occupancy	Retail	Foundation	Concrete
Submerged	No	Exterior Wall	Brick on Masonry	Insulation	Yes
Roof	Flat	Roof Material	Built-up	Entrance Square Foot	347
Entrance Quality	Below Normal	Wiring	Adequate	Plumbing	Adequate
Total Story Height	2	Frame Type	Frame	Fireproof Construction	No
Bldg Class	Brick or Masonry	Total Section Area	10,392	Ground Floor Area	4,796
Perimeter	306	Grade	5+00	Year Built	1895
Year Remodel	1997	Condition	Below Normal		
Comment	P=ENCL FR STAIRS TO 2ND FLR, Q=1ST STG, R=1ST CB STG, I=CONST 1921				

Commercial Groups - 5 Records					
Commercial Group #101 1					
Use Code	Unfinished Unused	Base Story	1	Number Stories	1
Total Group Area	3,740	Base Floor Area	3,740	Wall Height	14
Heating	Central	Air Conditioning	Yes	Exhaust System	No
Commercial Group #101 2					
Use Code	Mezzanine Unfinished	Base Story	1	Number Stories	1
Total Group Area	880	Base Floor Area	880	Heating	Surround
Air Conditioning	Surround	Exhaust System	No		
Commercial Group #101 3					
Use Code	Unfinished Unused	Base Story	1	Number Stories	1
Total Group Area	1,056	Base Floor Area	1,056	Wall Height	14
Heating	Central	Air Conditioning	None	Exhaust System	No
Commercial Group #101 4					
Use Code	Unfinished Unused	Base Story	2	Number Stories	1
Total Group Area	4,796	Base Floor Area	4,796	Wall Height	18
Heating	Central	Air Conditioning	Yes	Exhaust System	No
Commercial Group #101 5					
Use Code	Basement Entire	Number Stories	1	Total Group Area	800
Base Floor Area	800	Wall Height	7	Heating	None
Air Conditioning	None	Exhaust System	No	Condition	Poor



Detached Structures - 1 Record

Detached Structure #101

Occupancy	Asphalt Paving	Measurement Code	Square Feet	Measure 1	14,000
Grade	5	Year Built	1970	Condition	Below Normal
Comment	AGE ESTIMATED				

Sales - 3 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
PCWDM II LLC	RUETER FARMS INC	2020-04-22	\$390,000	Deed	17798/422
ROBINSON, MICHAEL J	PCWDM II LLC	2017-05-09	\$265,000	Deed	16477/31
THE TRUSTEES OF SHERMAN LODGE #576 IOOF	ROBINSON, MICHAEL & DEBRA	1998-08-07	\$150,000	Deed	7978/529

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
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Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
PCWDM II LLC STP INVESTMENTS LLC	RUETER FARMS INC C&D'S HOLDINGS LLC	2020-04-22	2020-04-27	Warranty Deed	17798/422
ROBINSON, MICHAEL J ROBINSON, DEBRA J	PCWDM II LLC STP INVESTMENTS LLC	2017-05-09	2017-05-12	Warranty Deed	16477/31

Permits - 3 Records

Year	Type	Permit Status	Application	Reason	Reason1
2019	Permit	No Add	2018-07-02	Fix Damage	MISC
2001	Permit	No Add	1999-08-16	Alterations	REMODEL
2000	Permit	Pass	1999-08-16	Alterations	REMODEL (Cost \$2,000)

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Commercial	Full	\$74,500	\$33,500	\$108,000
2019	Assessment Roll	Commercial	Full	\$67,700	\$37,300	\$105,000
2017	Assessment Roll	Commercial	Full	\$67,700	\$30,800	\$98,500
2015	Assessment Roll	Commercial	Full	\$56,400	\$34,600	\$91,000
2013	Assessment Roll	Commercial	Full	\$56,400	\$29,100	\$85,500
2011	Assessment Roll	Commercial	Full	\$56,400	\$29,100	\$85,500
2009	Assessment Roll	Commercial	Full	\$56,400	\$29,100	\$85,500
2007	Assessment Roll	Commercial	Full	\$56,400	\$37,800	\$94,200
2005	Assessment Roll	Commercial	Full	\$53,700	\$36,700	\$90,400
2003	Assessment Roll	Commercial	Full	\$46,700	\$34,300	\$81,000
2001	Assessment Roll	Commercial	Full	\$44,100	\$32,400	\$76,500
1999	Assessment Roll	Commercial	Full	\$37,000	\$32,400	\$69,400
1995	Assessment Roll	Commercial	Full	\$35,900	\$31,500	\$67,400
			Adj	\$10,800	\$9,400	\$20,200
1993	Board Action	Commercial	Full	\$34,200	\$30,000	\$64,200
			Adj	\$10,300	\$8,940	\$19,240
1993	Assessment Roll	Commercial	Full	\$34,200	\$30,000	\$64,200
			Adj	\$11,170	\$9,730	\$20,900
1991	Assessment Roll	Commercial	Full	\$32,930	\$28,870	\$61,800
			Adj	\$9,900	\$8,600	\$18,500
1991	Was Prior Year	Commercial	Full	\$32,930	\$92,360	\$125,290
			Adj	\$24,700	\$13,220	\$37,920

This template was last modified on Thu Jun 3 19:39:49 2021 .